



State of Wisconsin
2011 - 2012 LEGISLATURE



LRBa2590/1
MGG/RNK/RCT:all:ph

**SENATE AMENDMENT 2,
TO SENATE SUBSTITUTE AMENDMENT 1,
TO 2011 SENATE BILL 326**

March 5, 2012 – Offered by Senators KEDZIE and COWLES.

- 1 At the locations indicated, amend the substitute amendment as follows:
- 2 **1.** Page 2, line 16: delete the material beginning with “areas” and ending with
- 3 “interest;” on line 17.
- 4 **2.** Page 2, line 22: delete that line.
- 5 **3.** Page 3, line 1: delete lines 1 and 2.
- 6 **4.** Page 4, line 17: delete the material beginning with that line and ending with
- 7 page 5, line 7.
- 8 **5.** Page 11, line 20: after that line insert:
- 9 “**SECTION 41m.** 30.206 (1) (aj) of the statutes is created to read:
- 10 30.206 (1) (aj) Paragraph (ag) applies only to general permits issued under par.
- 11 (a).”.

1 **6.** Page 11, line 24: after “subchapter.” insert “In issuing general permits
2 under this paragraph, the department shall establish requirements and conditions
3 to ensure that the activities subject to the permit will cause only minimal adverse
4 environmental impacts, will not materially interfere with navigation, and will not
5 have an adverse impact on the riparian property rights of adjacent riparian owners.”.

6 **7.** Page 12, line 11: after that line insert:

7 “**SECTION 43m.** 30.206 (1) (c) of the statutes is renumbered 30.206 (1) (ag).”.

8 **8.** Page 15, line 3: after that line insert:

9 “**SECTION 50m.** 30.206 (5m) of the statutes is created to read:

10 **30.206 (5m)** LEGISLATIVE REVIEW OF GENERAL PERMITS. (a) In this subsection:

11 1. “Appropriate senate committee” means the standing committee of the senate
12 with jurisdiction over natural resources matters as determined by the presiding
13 officer of the senate.

14 2. “Appropriate assembly committee” means the standing committee of the
15 assembly with jurisdiction over natural resources matters as determined by the
16 presiding officer of the assembly.

17 (b) If, by a majority vote of a quorum of the appropriate senate committee and
18 the appropriate assembly committee, each of those committees suspends any general
19 permit, the committees shall jointly publish a Class 1 notice under ch. 985 of the
20 suspension in the official state newspaper and give any other notice that the
21 committees consider appropriate.

22 (c) If the appropriate senate committee and the appropriate assembly
23 committee suspend a general permit as provided in par. (b), each of the committees
24 shall, within 30 days after the suspension, meet and take executive action regarding

1 the introduction in the respective house of the legislature of a bill to support the
2 suspension. The appropriate senate committee and the appropriate assembly
3 committee shall each introduce a bill within 5 working days after taking executive
4 action in favor of introduction of the respective bill unless the bill cannot be
5 introduced during this time period under the rules of the respective house of the
6 legislature. If a bill cannot be introduced during this time period, the bills shall be
7 introduced on the first day on which the rules of the respective house of the
8 legislature allow introduction.

9 (d) 1. If both of the bills introduced under par. (c) are adversely disposed of, or
10 fail to be enacted in any other manner before the last day of the regular session of
11 the legislature in which the bills are introduced, the general permit remains in effect
12 and may not be suspended under this subsection again. If either bill is enacted, the
13 general permit is permanently suspended and may not be issued again unless a
14 subsequent law specifically authorizes issuance of the general permit.

15 2. If a person commences to conduct an activity under the authority of a general
16 permit, and the general permit is subsequently suspended under this subsection, the
17 person may continue to conduct the activity in the manner, and for the period,
18 originally authorized under the general permit notwithstanding the suspension of
19 the general permit.”.

20 **9.** Page 15, line 8: after that line insert:

21 **“SECTION 51m.** 30.206 (8) of the statutes is created to read:

22 30.206 (8) REPORT. (a) Within 30 days after issuing, renewing, modifying, or
23 revoking a general permit, the department shall prepare a report that gives
24 notification of the department’s action. If the action being reported is the issuance,

1 renewal, or modification of a general permit, the department shall include a copy of
2 the permit with the report. If the action being reported is the renewal, modification,
3 or revocation of a general permit, the report shall include an analysis of the
4 implementation and activities conducted under the general permit and shall contain
5 all of the following information:

6 1. The number of times notifications to proceed under the general permit were
7 received by the department under sub. (3) (a).

8 2. The number of times the department requested additional information
9 under sub. (3) (b).

10 3. The number of times the department informed applicants under sub. (3) (b)
11 that individual permits would be required.

12 (b) A report under par. (a) shall cover the time period beginning with the date
13 of original issuance of the general permit, or the date of the most recent prior
14 modification or renewal, and ending with the date of the revocation, modification, or
15 renewal that causes the report to be required.

16 (c) The department shall distribute the report to the governor and to the
17 appropriate standing committees of the legislature in the manner provided under s.
18 13.172 (3).”.

19 **10.** Page 18, line 18: delete “If the decision”.

20 **11.** Page 18, line 19: delete lines 19 to 23 and substitute:

21 “**SECTION 60g.** 30.208 (3) (eg) of the statutes is created to read:

22 30.208 (3) (eg) 1. The department and the applicant may agree to extend the
23 20-day or 30-day time period specified in par. (e) one time for a specific number of
24 additional days. The extension may not exceed 30 days.

1 2. The department may also extend the 20-day or 30-day time period specified
2 in par. (e) if adverse weather conditions prevent the department from conducting an
3 accurate on-site inspection during the 20-day or 30-day time period. The
4 department shall give notice to the applicant of this extension. The department shall
5 complete the inspection as soon as weather conditions permit, but the extension may
6 not exceed 30 days under any circumstances.

7 **SECTION 60r.** 30.208 (3) (er) of the statutes is created to read:

8 30.208 (3) (er) If the decision rendered by the department under par. (e) is a
9 denial or disapproval, the department shall include in the decision the specific
10 grounds and reasons as to how the applicable provisions of this subchapter were not
11 met. If the denial or disapproval is based on an incomplete application, the
12 department shall inform the applicant of the areas of the application that were
13 incomplete.”.

14 **12.** Page 31, line 20: delete the material beginning with “subs.” and ending
15 with “so” on line 21 and substitute “sub. (1) for a minor source unless modeling is
16 specifically provided for”.

17 **13.** Page 31, line 21: after “act” insert “, rules promulgated under this chapter,
18 or a federal or state agreement”.

19 **14.** Page 40, line 14: after “(e),” insert “(eg), (er),”.

20 **15.** Page 40, line 14: delete “30.106,”.

21 **(END)**